

## **REMARKS**

### **I. Status of the Claims**

The status of the claims is as follows:

Claim 6 has been cancelled;

Claim 12 has been withdrawn;

Claims 1 and 13 are currently amended;

Claims 2-5, and 7-11 have been previously presented; and

Claim 14 is new.

### **II. 35 U.S.C. 103 Rejections Based Upon Dufour in View of US4970827**

In the office action claims 1-5, 9, 10, and 13 were rejected as being unpatentable over Dufour in view of US4970827. Claims 7 and 8 were rejected as being unpatentable in further view of US Patent Pub. 2004/0163320. Claim 11 was rejected as being unpatentable in further view of US Patent Pub. 2002/0066232. Applicants respectfully traverse the examiner's position.

Dufour by itself or when combined with the '827 patent to Djordjevic does not teach the claim limitations set forth in claims 1-5, 7-11 and 13, especially when viewed in light of the amendments to claims 1, 13. As stated in Section 2143.03 of the MPEP "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." (M.P.E.P. § 2143.03 Eighth Edition, August 2001, Latest Revision October 2006, citing In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Combining Dufour with the '827 patent does not render obvious the window winding arrangement set forth in claims 1-5, 7-11 and 13 because neither reference teaches using two spring members connected to the linear element to apply spring forces to the window-winding arrangement to cause the edge of the pane to be pressed against the linear guide during

movement of the pane in both upward and downward directions. Dufour teaches the use of a single cable tensioner that presses against the cable 5 to apply a uniform tension to the cable. This arrangement would not cause the pane to be pressed against the linear guide during movement of the pane in both directions because tension applied to the cable cannot be used to cause engagement of the pane with the guide. There is no teaching in Dufour to suggest such an arrangement.

The '827 patent to Djordjevic only teaches the use of a single spring and the spring is not in line with the flexible linear element coupled to the pane as required by the claims. The spring in Djordjevic is coupled to a cable and pulley system that provides uniform tension to cables 48, 50. There is no reason to add the tensioner of Djordjevic to Dufour as Dufour already teaches the use of a tensioner. The arrangement of Djordjevic alone, or in combination with Dufour would not create forces on the pane to cause the pane to be pressed against the linear guide during movement of the pane in both directions. Only applicants' invention teaches such an arrangement.

A determination of obviousness requires that "the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved." *KSR International Co. v. Teleflex, Inc.*, -- U.S. --, 127 S.Ct. 1727, 1734, 82 U.S.P.Q.2d 1385 (2007) *quoting Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). In making a determination of obviousness by looking at the teachings of multiple patents, one should consider

the effects of demands known to the design community or present in the market place; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.

*KSR*, 127 S.Ct. at 1740-41 (emphasis added).

The Supreme Court ruled, “the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* The Court further stated:

When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. *Id.* at 1341.

When the prior art teaches away from combining certain known elements, discovery of successful means of combining them is more likely to be nonobvious. *Id.* at 1736.

[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* at 1741.

“[A] patent composed of several elements is not proved obvious merely by demonstrating the each of its elements was, independently, known in the prior art.” *Id.* at 1741.

While Djordjevic discloses the use of a single spring, the spring is not connected to the linear element and the arrangement does not provide for forces that cause the pane to be pressed against a linear guide during movement of the pane in both directions. For this reason, this arrangement cannot be used to cause the pane to be pressed against the linear guide. Likewise, Dufour also does not teach applying force on the pane to cause the pane to be pressed against the linear guide. Column 4, lines 7-10 and column 8 lines 33-39 of Dufour does not teach this arrangement. Further, none of the references teach a spring force ratio from about 1:1.5 to about 1:2.5 as required by claims 1 and 13. Due to these essential differences, claims 1-5, 7-11 and 13 are not rendered obvious by Dufour in view of Djordjevic and should be allowed.

Claim 14 has been added to the application and it is applicants' views that claim 14 is clearly allowable in view of the cited references. Claim 14 positively recites the positions of the

deflection elements and springs with respect to the force engagement points. Claim 14 also requires a selection of spring forces that cause the edge of the pane to be pressed against the linear guide during movement of the pane in either direction to avoid a momentary change in the rotational direction of the pane when the movement direction of the linear element is changed. None of the prior art teaches such an arrangement. The limitations of claim 14 are fully supported by the specification. Due to these essential differences, new claim 14 is also not rendered obvious by Dufour in view of Djordjevic or the other cited references and should be allowed.

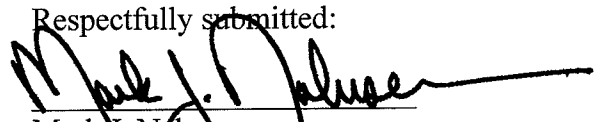
#### **V. Summary and Conclusion**

For the reasons stated above, applicants request allowance of claims 1-5, 7-11, 13 and new claim 14. Please contact applicants' undersigned attorney if there are any remaining issues which could assist in expediting prosecution of this application.

No fees are believed due at this time, however, please charge any deficiencies or credit any overpayments to deposit account 12-0913 with reference to our attorney docket number 39611-99473.

Date: April 5, 2009

Respectfully submitted:

  
Mark J. Nahnsen  
Registration No. 51,093  
Barnes & Thornburg LLP  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
Phone: 312-214-4810